

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON D. SEYMOUR,

Plaintiff,

v.

DOE 1, et al.,

Defendants.

Case No. 1:21-cv-01485-AWI-EPG (PC)

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME TO
FILE A RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

(ECF No. 36)

ORDER OPENING DISCOVERY SOLELY
ON THE ISSUE OF WHETHER PLAINTIFF
EXHAUSTED AVAILABLE
ADMINISTRATIVE REMEDIES

Aaron D. Seymour ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action.

On April 14, 2022, Defendants filed a motion for summary judgment on the ground that Plaintiff failed to exhaust available administrative remedies. (ECF No. 31). On May 2, 2022, Plaintiff filed a motion for an extension of time to file a response. (ECF No. 36). Plaintiff states that he intends to take discovery. Plaintiff also states that he is preparing a cross-motion for summary judgment, as well as a motion "to open scheduling order and get a cut off date for discovery." (*Id.* at 3). Plaintiff asks for a sixty-day extension of time to file his response.

Plaintiff does not identify any discovery relevant to the issue of exhaustion that he wants to take. Nevertheless, given the stage of this case, the Court will open discovery solely on the issue of whether Plaintiff exhausted available administrative remedies and grant Plaintiff an additional

1 sixty-days to file his response to Defendants' motion for summary judgment.

2 Accordingly, IT IS ORDERED that:

- 3 1. Plaintiff has until July 8, 2022, to file his response to Defendants' motion for
4 summary judgment; and
- 5 2. The parties have leave to take discovery solely on the issue of whether Plaintiff
6 exhausted available administrative remedies. Responses to written discovery
7 requests shall be due **thirty (30) days** after the request is first served.¹

8
9 IT IS SO ORDERED.

10 Dated: May 4, 2022

11 /s/ Eric P. Grogan
12 UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ The Court will issue a scheduling order and open discovery generally in due course.